

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

**DECLARATION OF DONALD R. MCPHAIL IN SUPPORT OF
DEFENDANT'S MOTION TO DISMISS**

I, Donald. R. McPhail, declare as follows:

1. I am an attorney with Oblon, McClelland, Maier & Neustadt LLP, counsel for Defendant Ricoh USA, Inc., in the above-captioned matter. The statements herein reflect my personal knowledge and belief based on reasonable investigation and information presently known to me. If called to testify as a witness, I could testify competently thereto.

2. Attached as Exhibit A-1 to Defendant's Motion to Dismiss is a true and correct copy of the docket report for the action captioned *Visual Effects Innovations, LLC v. LG Electronics USA, Inc.*, Case No. 1:17-cv-01275-LPS (D. Delaware) found at https://ecf.ded.uscourts.gov/cgi-bin/DktRpt.pl?100962994625112-L_9999_2-1 as accessed on November 27, 2023.

3. Attached as Exhibit A-2 to Defendant's Motion to Dismiss is a true and correct copy of the docket report for the action captioned *VDPP LLC v. TTE Technology, Inc.*, Case No. 5:19-

cv-02019-JVS-SHK (C.D. California) found at https://ecf.cacd.uscourts.gov/cgi-bin/DktRpt.pl?141584730552568-L_9999_2-1 as accessed on November 27, 2023.

4. Attached as Exhibit A-3 to Defendant's Motion to Dismiss is a true and correct copy of the docket report for the action captioned *VDPP LLC v. Facebook Technologies, LLC*, Case No. 3:19-cv-04571-LB (N.D. California) found at https://ecf.cand.uscourts.gov/cgi-bin/DktRpt.pl?146315950043665-L_9999_2-1 as accessed on November 27, 2023.

5. Attached as Exhibit A-4 to Defendant's Motion to Dismiss is a true and correct copy of the webpage found at <https://www.meta.com/legal/quest/patents/> as accessed on November 27, 2023.

6. I declare under penalty of perjury that the foregoing is true and correct. Executed on November 27, 2023, in Alexandria, Virginia.

Respectfully submitted,

/s/ Donald R. McPhail
Donald R. McPhail